



INTERIOR BOARD OF INDIAN APPEALS

Ashar Inc. v. Muskogee Area Director, Bureau of Indian Affairs

21 IBIA 169 (01/30/1992)

Related Board case:
21 IBIA 68



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ASHAR INC.,
Appellant

v.

MUSKOGEE AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Reinstating Appeal and
: Requesting Clarification
:
:
: Docket No. IBIA 92-30-A
:
:
: January 30, 1992

Appellant Ashar Inc. sought review of an October 21, 1991, decision of the Muskogee Area Director, Bureau of Indian Affairs (Area Director), assessing additional royalty under an Osage oil and gas lease. The Board of Indian Appeals (Board) received appellant's notice of appeal on November 5, 1991.

By order dated November 20, 1991, the Board dismissed thirteen appeals, including appellant's. See 21 IBIA 68. Each of these appeals sought review of an assessment of additional royalty. The appeals was dismissed on the grounds that subsequent to filing their appeals, each appellant had obtained legal counsel and was participating in a group appeal with over 200 other similarly situated persons. The group appeal was docketed as Melvin E. Acott, et al. v. Muskogee Area Director, Docket No. IBIA 92-95-A.

The Board has learned that appellant's appeal was dismissed in error based upon a misunderstanding of appellant's identity. From information filed by the Area Director it appears that separate Osage oil and gas leases are held by Ashar Inc. and Asher Corporation. Asher Corporation is the appellant in the Acott group appeal. Ashar Inc., present appellant, is not listed as an appellant in the group appeal. The Board also has information that appellant paid its additional assessment on November 14, 1991.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the above appeal is reinstated. Appellant is requested to inform the Board by February 17, 1992, whether or not it wishes to pursue its appeal. If appellant wishes to pursue the appeal, it will be informed of additional procedures necessary. If appellant does not wish to pursue the appeal, the matter will be dismissed at appellant's request.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge